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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,420	06/24/2005	Steven Anthony Barron	PA030002	4190

7590 05/24/2011  
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Thomson Licensing Inc  
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Princeton, NJ 08543-5312

EXAMINER
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CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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05/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,420	<b>Applicant(s)</b> BARRON ET AL.	
	<b>Examiner</b> NIGAR CHOWDHURY	<b>Art Unit</b> 2484	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/21/2011 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-10, 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,847,696 by Matsumoto et al. in view of US 6,344,878 by Emura.

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2. Regarding **claim 1**, Matsumoto et al. discloses method for adding information to a timer for a video recording device, wherein timer specifies details necessary to record a video program and wherein an electronic program guide service is not used (fig. 9-14, col. 10 lines 40-50, col. 11 lines 42-51),

Matsumoto et al. fails to disclose method for adding information comprising

- recording a video program due to a recurring timer, wherein the recurring timer has an associated information item having a default value indicating an undefined condition before recording;
- extracting, during recording, additional information from the video signal of the video program, the additional information being received simultaneously with the video program;
- detecting if additional information contains a specified information regarding video program;
- extracting specified information from additional information;
- replacing default value of the associated information item with specified information; and
- displaying the recurring timer with associated information item.

Emura discloses

- recording a video program due to a recurring timer, wherein the recurring timer has an associated information item having a default value indicating an undefined condition before recording (col. 2 lines 35-49, col. 14 lines 25-col. 15 lines 8);

- extracting, during recording, additional information from the video signal of the video program, the additional information being received simultaneously with the video program (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30);
- detecting if additional information contains a specified information regarding video program (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- extracting specified information from additional information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- replacing default value of the associated information item with specified information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10); and
- displaying the recurring timer with associated information item (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Matsumoto et al.'s system to include recording, extracting, detecting, extracting, replacing, displaying unit, as taught by Emura, for a viewer to record video program for future retrieval.

3. Regarding **claim 2**, Emura discloses method wherein specified information is the program title of the video program being recorded, and said default value is a default character string (fig. 11).

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4. Regarding **claim 4**, Emura discloses method wherein default value is replaced with secified information for all instances of recurring timer (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30).

5. Regarding **claim 5**, Matsumoto et al. disclose method wherein additional information is extracted from a vertical blanking interval of an analogue video signal (fig. 23).

6. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 5 above.

7. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 1 above.

8. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 5 above.

9. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 5 above.

10. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 2 above.

11. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 4 above.

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12. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,344,878 by Emura.

13. Regarding **claim 13**, Emura discloses specified information of the video program being recorded but fails to disclose specified information is the program type.

It is noted that the use of program type is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have well-known program type in specified information to provide more flexibility to a user to record type of the program during recording, which will be easy to retrieve by looking at the program type.

14. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 13 above

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 7,433,575

2) US 7,366,403

3) US 2005/0223409

4) US 7,206,502

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
05/22/2011

/JAMIE ATALA/  
Primary Examiner, Art Unit 2484